

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LISA A. JACOBS,
Plaintiff,

v.

CIVIL ACTION NO. 14-12536-LTS

DAVID SOARS, DEBORAH DAVENPORT,
TOWN OF WESTON, DONNA VANDERCLOCK,
ED COBURN, DOUG GILLESPIE,
MIKE HARRINGTON, ERIC JOSEPHSON,
GARY KOGER, PAUL ZORFASS,
PHYLLIS KOMINZ, ALLAN ORTH,
TAMILYN LEVIN, WILLIAM O'NEIL,
STEVE SHAW, JOHN LYONS,
DAN MCGUIRE, WILLIAM CARLO,
MIKE FORTI, EFTHIMIOS BOUSIOS,
KOPELMAN AND PAIGE P.C.,
LOUISON, COSTELLO, CONDON & PFAFF LLP,
JOHN DOE ET AL.,
Defendants.

REPORT AND RECOMMENDATION ON
DEFENDANT KOPELMAN AND PAIGE, P.C.'S
PARTIAL MOTION TO DISMISS (#41)

KELLEY, U.S.M.J.

Reference is made to the Report and Recommendation On Defendants David Soars, Deborah Davenport, Town Of Weston, Donna Vanderclock, Ed Coburn, Doug Gillespie, Mike Harrington, Eric Josephson, Gary Koger, Paul Zorgass, Phyllis Kominz, Allan Orth, Tamilyn Levin, William O'Neil, Steve Shaw, John Lyons, Dan McGuire, William Carlo, Mike Forti, Efthimios Bousios and Louison, Costello,

Condon & Pfaff, LLP's Motion To Dismiss Pursuant To M.R.C.P. (sic) Rule 12(b)(6) (#44) issued this date. For the reasons stated in that Report and Recommendation, I RECOMMEND that action on Defendant Kopelman and Paige, P.C.'s Partial Motion To Dismiss (#41) be PRETERMITTED at this time and that the plaintiff be GRANTED forty-five (45) days within which to file an amended complaint that complies with Rules 8(a)(2), Rule 18(a) and Rule 20(a)(2), Fed. R. Civ. P.

If the plaintiff fails to file an amended complaint that complies with the Federal Rules of Civil Procedure within forty-five (45) days, I RECOMMEND that Defendant Kopelman and Paige, P.C.'s Partial Motion To Dismiss (#41) be ALLOWED to the extent that the federal claims alleged in Counts I and II be DISMISSED WITH PREJUDICE. I FURTHER RECOMMEND that the state law claims alleged in Counts III-VIII be DISMISSED WITHOUT PREJUDICE.

Review by the District Judge

The parties are hereby advised that any party who objects to this recommendation must file a specific written objection thereto with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the recommendation, or report to which objection is made and the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly

indicated that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health and Human Services*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir., 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ M. Page Kelley
M. Page Kelley
United States Magistrate Judge

December 2, 2014